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# Report of the United Nations High Commissioner for Human Rights

## General Assembly

Official Records • Fifty-second Session
Supplement No. 36 (A/52/36)

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CONTENTS


| | | Paragraphs | Page |
|---|---|---|---|
| I. | INTRODUCTION | 1 - 5 | 1 |
| II. | RENEWAL AND ENHANCEMENT OF THE HUMAN RIGHTS PROGRAMME: INTEGRATION OF HUMAN RIGHTS ACTIVITIES WITHIN THE UNITED NATIONS SYSTEM | 6 - 10 | 2 |
| III. | FIFTY-THIRD SESSION OF THE COMMISSION ON HUMAN RIGHTS | 11 - 19 | 3 |
| IV. | RESEARCH AND THE RIGHT TO DEVELOPMENT | 20 - 39 | 5 |
| V. | ACTIVITIES AND PROGRAMMES | 40 - 58 | 10 |
| VI. | SUPPORT SERVICES | 59 - 69 | 14 |
| VII. | 1998 - HUMAN RIGHTS YEAR | 70 - 76 | 17 |

# I. INTRODUCTION

1. The present report covers the period between the submission of the report of the United Nations High Commissioner for Human Rights to the Commission on Human Rights at its fifty-third session (E/CN.4/1997/98 and Add.1 and Add.1/Corr.1) and the beginning of the tenure of the new High Commissioner. Mr. José Ayala-Lasso resigned from the post of United Nations High Commissioner for Human Rights to become Minister for Foreign Affairs of Ecuador on 15 March 1997. Prior to this, Mr. Ibrahima Fall, Assistant Secretary-General for Human Rights, was reassigned by the Secretary-General as an Assistant Secretary-General in the Department of Political Affairs in New York effective 10 March 1997.

2. On 12 June 1997, the Secretary-General appointed Mrs. Mary Robinson to be the next United Nations High Commissioner for Human Rights for a four-year term. This appointment was approved by consensus by the General Assembly on 17 June 1997 (decision 51/322). Mrs. Mary Robinson took up her responsibilities as the new High Commissioner on 12 September 1997.

3. Since taking office, the Secretary-General has stressed the importance of the human rights component of the United Nations activities. In his message to the opening session of the Commission on Human Rights, the Secretary-General stated his intention to be a champion of human rights and emphasized that the creation of the post of the United Nations High Commissioner for Human Rights had already changed the perception of human rights generally, becoming a catalyst for action within and outside the United Nations.

4. In his report entitled "Renewing the United Nations: programme for reform" (A/51/950) the Secretary-General stressed that "human rights are integral to the promotion of peace and security, economic development and social equity". The ongoing process of reform faithfully reflects the Secretary-General's intention of making human rights a central concern of the United Nations agenda and giving full support to the effective exercise by the High Commissioner of her mandate.

5. Efforts to meet human rights challenges through the forging of a global partnership for human rights have been determinedly endorsed by Mrs. Robinson since her appointment as High Commissioner. This partnership will be built on an integrated and holistic approach to human rights, in the framework of which all rights, civil, cultural, economic, political and social, including the right to development, are perceived as of equal importance, interrelated and mutually supportive. In 1998, when the international community will commemorate the fiftieth anniversary of the Universal Declaration of Human Rights and carry out the five-year review of the implementation of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[1] this partnership would not only be an invaluable contribution to the success of these events, but would also provide a strong foundation for future endeavours in years to come.

## II. RENEWAL AND ENHANCEMENT OF THE HUMAN RIGHTS PROGRAMME: INTEGRATION OF HUMAN RIGHTS ACTIVITIES WITHIN THE UNITED NATIONS SYSTEM

6. The ongoing reform of the United Nations initiated by the Secretary-General calls for steps to be taken with a view to enhancing the United Nations activities in the field of human rights. In this context some of the measures are designed to operationalize recommendations of the World Conference on Human Rights with the aim of ensuring better integration of human rights within the activities of the United Nations system as a whole.

7. The Secretary-General has focused the Secretariat's work programme on five areas: peace and security, economic and social affairs development cooperation, humanitarian affairs and human rights. This process involved all United Nations departments, programmes and funds. The new Secretariat work programme includes the participation of the High Commissioner in the activities of all the executive committees and assures the integration of human rights into the broad range of the Organization's activities - in conformity with existing mandates - including development and humanitarian issues.

8. As at 1 September 1997, the Office of the United Nations High Commissioner for Human Rights and the Centre for Human Rights were consolidated as the Office of the United Nations High Commissioner for Human Rights. The Deputy High Commissioner will assist and provide management support to the High Commissioner and manage the Office in her absence. The restructuring was aimed at providing the human rights programme with a solid institutional basis ensuring effective and efficient action. The Secretary-General also announced that the representation of the High Commissioner's Office in New York would be upgraded and strengthened, in order to enable regular contacts between the High Commissioner and the executive committees.

9. Pursuant to the Secretary-General's programme for reform, the Office of the High Commissioner will undertake an analysis of technical assistance provided by the United Nations in the field of human rights as well as assistance that impacts human rights, such as the promotion of democratic governance, strengthening the rule of law, reform of the judiciary, and programmes related to the implementation of the International Covenant on Economic, Social and Cultural Rights, as well as the Convention on the Rights of the Child. This analysis should lead to proposals for better coordination and increased effectiveness and efficiency of action within the United Nations system.

10. In order to avoid overlaps and duplications in the activities of human rights bodies and mechanisms, the High Commissioner will review the human rights machinery and develop recommendations for streamlining and rationalizing it, in keeping with General Assembly resolution 48/141 of 30 December 1993. The programme for reform also indicates that, in the framework of the reform of the human rights programme, the highest priority will be given to strengthening and coordinating the substantive and technical support to legislative bodies, monitoring committees and special procedures. Furthermore, to assist these bodies, the establishment of common data banks of information, research and analysis will be accelerated.

## III. FIFTY-THIRD SESSION OF THE COMMISSION ON HUMAN RIGHTS

11. Marking its fiftieth anniversary, the Commission on Human Rights held its fifty-third session from 10 March to 18 April 1997. The session was attended by 53 Member States, 92 observer States, 41 intergovernmental organizations and 203 non-governmental organizations. The rationalization of the work of the Commission and the improvement of its working methods were themes that were taken up during the debate on the organization of work. The importance of consensus was evident as the Commission adopted 63 of 78 resolutions and took 22 decisions without a vote. Only 15 resolutions required voting. The Commission also adopted, by consensus, the Chairman's statements on the human rights situations in Colombia and Liberia.

12. In his farewell address to the Commission, the outgoing High Commissioner, Mr. Jose Ayala-Lasso, gave a brief overview of his three years in office. He highlighted, inter alia, the progress achieved in implementing the mandate of the High Commissioner, particularly in recognizing the universality and interlinkage between all human rights; developing dialogue with Governments on human rights issues; increasing cooperation with all partners within the human rights community; focusing attention on the right to development; expanding United Nations human rights field presences and preventive human rights action; strengthening programmes of technical cooperation and national human rights institution building; and emphasizing human rights education and the rights of women, children, indigenous peoples and minorities.

13. As in previous years many high-level representatives, including eight ministers for foreign affairs and seven ministers of justice, attended the Commission's session. For the second time in its history, a United Nations Secretary-General addressed the Commission. In his statement, the Secretary-General linked human rights to the maintenance of international peace and security and reaffirmed his intention to integrate fully the human rights dimension into the work of the United Nations. Numerous special rapporteurs, chairpersons of working groups, representatives of treaty-based bodies, boards of trustees of human rights trust funds and other human rights bodies also addressed the Commission.

14. It is to be stressed that the Commission, in its resolution 1997/74,[2] recommended by consensus convening a world conference on racism and racial discrimination no later than the year 2001. Consensus was also achieved regarding the resolution on the right to development (1997/72) in which the Commission called upon the Intergovernmental Group of Experts to continue to implement its mandate through the elaboration of a strategy for the implementation and promotion of the right to development. It should also be emphasized that, by a large majority, the Commission adopted, for the first time, a comprehensive resolution on the death penalty (1997/12) in which it called upon States that had not yet abolished the death penalty to consider suspending executions, with the view to completely abolishing the death penalty.

15. Indicating in its resolution 1997/35 great interest in the substantive commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights, the Commission requested the High Commissioner to continue efforts aimed at coordinating, within the United Nations system, the preparation for the fiftieth anniversary in 1998. In its resolution 1997/69, the Commission called upon all States to contribute actively to the preparations for the 1998 five-year review of the implementation of the Vienna Declaration and Programme of Action and requested the High Commissioner to continue to report on measures

taken and progress achieved in the comprehensive implementation of the Declaration and Programme of Action.

16. The Commission decided to appoint a Special Rapporteur on the human rights situation in Nigeria and to extend the mandates of the Special Rapporteurs/ Special Representatives on the human rights situations in the former Yugoslavia, the Democratic Republic of Congo, Cuba, the Sudan, the Islamic Republic of Iran, Iraq, Myanmar and Afghanistan, as well as on violence against women. Instead of a consensual Chairman's statement as in past years, the Commission adopted a resolution on the human rights situation in East Timor (1997/63). Regarding Rwanda, the Special Rapporteur's mandate was replaced by that of a Special Representative (resolution 1997/66). In the resolution on Guatemala (1997/50), the Commission paid tribute to the work of the Independent Expert, Ms. Mónica Pinto, and taking into account her resignation, requested the Secretary-General to terminate her mandate. The Commission also approved the appointment of Mrs. Erica-Irene A. Daes as Special Rapporteur of the Subcommission on Prevention of Discrimination and Protection of Minorities to prepare a working paper on indigenous peoples and their relationship to land and extended the mandate of the Special Rapporteur of the Subcommission on traditional practices affecting the health of women for another two years (decision 1997/114).

17. Further work was authorized by the Commission regarding a draft declaration on the rights of indigenous peoples (resolution 1997/31), a draft declaration on protection of defenders of human rights and a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment (resolution 1997/24). Furthermore, the Commission decided to request the Secretary-General to transmit the text of the optional protocol to the International Covenant on Economic, Social and Cultural Rights to Governments and intergovernmental and non-governmental organizations for their comments (decision 1997/104). The mandate of the Working Group on Arbitrary Detention was renewed taking into account the Working Group's intention in its handling of communications to give views rather than take decisions (resolution 1997/50). A new mechanism was created: an inter-sessional working group on human rights and migrants (resolution 1997/15).

18. In closed meetings, the Commission examined 16 human rights country situations under the confidential complaints procedure established by Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970. It also decided to discontinue consideration of 11 of the situations.

19. The debate on the rights of the child reflected a common concern as to how best to protect children's rights, especially with the rise of child prostitution, pornography and child labour, and how to protect fully children's rights as human rights. The Commission adopted by consensus a comprehensive resolution on this issue (1997/70).

## IV. RESEARCH AND THE RIGHT TO DEVELOPMENT

20. In its resolution 1997/72, the Commission on Human Rights reaffirmed the importance of the right to development for every human being and all people in all countries, in particular the developing countries, as an integral part of their fundamental rights. It recognized that the Declaration on the Right to Development constituted an integral link between the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action through its elaboration of a holistic vision integrating economic, social and cultural rights with civil and political rights. The Commission also urged States to eliminate all obstacles to development at all levels and to promote the right to development as a vital element in a balanced human rights programme. In a number of specific resolutions, the Commission took up matters relevant to the right to development in resolutions concerning economic, social and cultural rights (1997/17), extreme poverty (1997/11) and the right to food (1997/8).

21. The Commission also considered the report of the Secretary-General (E/CN.4/1997/17), submitted pursuant to Commission resolution 1996/12, concerning the problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development. Subsequently, the Commission adopted resolution 1997/10, entitled "Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development", in which it requested the Secretary-General to submit to the Commission at its fifty-fourth session, after high-level consultations with Governments, international financial institutions and specialized agencies and intergovernmental organizations, a report on the international debt strategy containing an analysis of the effects of this phenomenon. The Commission also requested the High Commissioner to pay particular attention to the problem of the debt burden of developing countries, and especially the social impact of the measures arising from the foreign debt.

22. In accordance with Subcommission resolution 1995/29 and Economic and Social Council decision 1996/290, an expert seminar on the practice of forced evictions was held at Geneva from 11 to 13 June 1997 to develop comprehensive guidelines on development-based displacement. The experts provided an overview of urban policies and evictions in the city of Santo Domingo; recent experiences in the Philippines and South Africa; the issue of title to land and the concept of property in Kenya; the methods of evictions, their consequences and effects on the cycle of poverty in Asia; and related problems of large development projects in urban and rural areas. The proposed guidelines on forced evictions and development-based displacement are contained, together with the report of the seminar, in document E/CN.4/Sub.2/1997/7.

23. In order to assist the Special Rapporteur on population transfer, Mr. Awn Al-Khasawneh, to arrive at recommendations and conclusions to be reflected in his final report to the Subcommission, an expert seminar was held at Geneva in February 1997. The experts discussed the core elements that typify population transfer and the implantation of settlers, the preventive mechanisms to be established and the remedies to be recommended to the international community. The experts drew up a table of the human rights affected by population transfer and the implantation of settlers and elaborated a draft declaration on the issue. The final report of the Special Rapporteur is contained in document E/CN.4/Sub.2/1997/23.

24. At its fifty-third session, the Commission adopted resolution 1997/17, entitled "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights". In that resolution, the Commission requested the Secretary-General to submit reports to the General Assembly at its fifty-second session and to the Commission at its fifty-fourth session on progress towards the realization of the rights set forth in the International Covenant on Economic, Social and Cultural Rights. At its fifty-second session, the General Assembly will have before it a note by the Secretariat on this issue (A/52/511).

25. A memorandum of understanding has been signed between the High Commissioner and the Food and Agriculture Organization of the United Nations (FAO) in order to enhance cooperation between the two institutions with a view to developing further the concept and the implementation of the right to food. During two meetings held in April and August 1997, representatives of the Office of High Commissioner and FAO, together with experts, discussed methods of implementing relevant recommendations adopted by the World Food Summit in Rome in 1996.

26. The Working Group on Indigenous Populations of the Subcommission, at its fifteenth session from 28 July to 1 August 1997, highlighted the topic of the environment, land and indigenous peoples. The Working Group continues to attract an increasing number of participants, including indigenous leaders and government ministers. It also provided an opportunity for more than 50 informal briefings and workshops on a range of concerns, such as the World Bank policy on indigenous peoples and a recent Canadian programme on indigenous peoples and substance use. The Working Group is the main forum for indigenous people in the United Nations and functions as a catalyst for initiatives system-wide. At its next session the Working Group will focus on education and language and will work closely with the United Nations Educational, Scientific and Cultural Organization (UNESCO).

27. At its fifty-third session, the Commission, under the item entitled "Indigenous issues", discussed the report of the Commission's working group on the draft United Nations declaration on the rights of indigenous peoples (E/CN.4/1997/102). No articles have yet been adopted. A third session is due to take place from 27 October to 7 November 1997. The second workshop on a permanent forum for indigenous peoples was held at Santiago from 30 June to 2 July, with the participation of Governments, United Nations mechanisms and indigenous delegates. There was broad consensus in favour of the establishment of such a forum covering all concerns relevant to indigenous peoples, including health, development, education, environment and human rights and it was suggested that the Economic and Social Council might now elaborate a formal proposal. In its resolution on the International Decade of the World's Indigenous People (1997/32), the Commission recommended the convening of a seminar on higher education institutions working on indigenous issues; it also recommended that the new High Commissioner assume coordination of the Decade.

28. In the framework of activities for the Decade, the Office of the High Commissioner has continued to support human rights training of indigenous peoples, approving 12 projects, including a joint training programme in Latin America in cooperation with UNESCO. In June, the Office of the High Commissioner launched its fellowship programme through which indigenous activists spend six months in Geneva following a United Nations training course and gaining practical experience on human rights. In response to the growing work programme under these mandates, the High Commissioner has set up a

cross-branch indigenous project team to coordinate the issue within the Office of the High Commissioner.

29. The Working Group on Minorities of the Subcommission held its third session at Geneva from 26 to 30 May 1997. The particular focus of the session included the rights of persons belonging to minorities to speak their own language in private and in public, to have instruction of, and in, their mother tongue, to enjoy their own culture and to profess and practise their own religion. Moreover, effective participation of minorities at all levels of society, intercultural education, minority rights and the role of the media, issues pertaining to citizenship and nationality and the definition of minorities were further topics of discussion. The Working Group adopted a comprehensive set of recommendations which are contained in its report (E/CN.4/Sub.2/1997/18).

30. Inter-agency cooperation on minorities has been developed by the High Commissioner to elaborate better responses by the United Nations system to issues involving minorities. Three consultations were held in August 1996 and January and May 1997. Information on agencies' present activities included non-discrimination in education, promotion and protection of cultural rights of persons belonging to minorities, training programmes of in-house staff and minorities at local level, citizenship and nationality and the use of minority-related databases. Participants suggested that cooperation could be strengthened in the following areas: flow of relevant information; minority-related technical cooperation projects; dissemination of information on system-wide complaints procedures; input into the work of the human rights treaty bodies; and the provision of training on minority-related human rights instruments at regional and national levels.

31. The Office of the High Commissioner, together with the International Service for Human Rights, a non-governmental organization in consultative status with the Economic and Social Council, based in Geneva, organized a seminar on multicultural and intercultural education as recommended by the Working Group on Minorities. The seminar was held at the United Nations Office at Geneva on 23 and 24 May 1997. The comparative discussions highlighted problems occurring in different regions of the world under varying political, social and economic circumstances.

32. The Office of the High Commissioner organized a seminar on immigration, racism and racial discrimination, within the context of the Third Decade to Combat Racism and Racial Discrimination (General Assembly resolution 49/146) at Geneva from 5 to 9 May 1997. The Seminar concluded that immigration should be perceived as a positive phenomenon and that the question of migration was inseparable from the current process of economic globalization. It was also pointed out that there was a fundamental contradiction between restrictions to individual mobility and the free flow of goods and services. The Seminar recommended that States accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as well as the relevant conventions of the International Labour Organization (ILO), including Conventions Nos. 97 and 143. A worldwide information, education and promotion campaign to bring into force the Convention was recommended.

33. National human rights institutions are increasingly recognized as an important means for ensuring effective implementation of international human rights standards at the national level. The Office of the High Commissioner, in cooperation with Governments and national institutions themselves, has continued to support the establishment and strengthening of national institutions in all regions of the world. To that end, extensive advice on the elaboration and

adoption of relevant legislation has been provided, and national and regional workshops have been sponsored.

34. The Office of the High Commissioner is also providing support to the Coordinating Committee of national human rights institutions. This Committee plays a key role in forging close links with international bodies and encouraging exchanges of information among national institutions. The last meeting of the Committee took place during the fifty-third session of the Commission on Human Rights.

35. The Working Group on Contemporary Forms of Slavery of the Subcommission on the Prevention of Discrimination and Protection of Minorities held its twenty-second session from 2 to 11 June 1997. The Working Group reaffirmed that slavery, in its various forms and practices, was a crime against humanity and a violation of basic human rights. A review of the information provided to the Working Group showed that despite the progress made in the protection of human rights and the preservation of human dignity around the world, various forms of slavery still existed and new insidious forms of slavery were emerging. During the session, the Working Group considered the questions of child and bonded labour, sexual exploitation, especially of children, traffic in persons, migrant and domestic workers, sexual violence during wartime and activities of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery.

36. With regard to the sexual exploitation of children, the Working Group once again stated that the question would remain a key item of its agenda. It was also convinced that sex tourism, as a factor that aggravates such exploitation, required constant vigilance. Encouragement was to be given to the promulgation of laws allowing the criminalization of such offences even when committed abroad. Moreover, the Working Group, in view of the scale of the problem of paedophilia and the need to understand better the motives of such child abusers, decided to include the item in the agenda of its next session.

37. As in previous years, the Working Group examined the question of women referred to as "comfort women" during the Second World War. After a lengthy debate, the members of the Working Group noted that although the situation had not been resolved definitively, it had evolved in a way that pointed towards a solution satisfactory to all the parties concerned. It called upon the parties concerned to continue their joint effort for a solution that was acceptable to all.

38. The Working Group decided to consider at its next sessions the effects of corruption as a factor conducive to exploitation and slavery, as well as the illegal practices of certain religious and other sects that lead to the exploitation and the enslavement of adults and children. With regard to economic exploitation, the Working Group decided to consider, as a matter of priority for its next session, the question of migrant workers and domestic workers, in particular women and girl migrant domestic workers.

39. Since 10 December 1996, the Internet Website of the High Commissioner has become a powerful and much appreciated tool for the quick dissemination of United Nations human rights information. This was evident during the fifty-third session of the Commission when, for the first time, documents, resolutions and other information concerning the current session were immediately available on the Website. This practice will continue at future sessions of the Commission. Efforts to make information available other than English on the Website are under way. The Website also contains updated information on activities carried out by the High Commissioner's 12 field

offices around the world. With regard to the other official language versions, their availability will depend on increased technical and language expertise. In addition, since July 1997, a consulting firm has been studying the electronic management of human rights related information. The study report, which should be available shortly, will contribute to a new information management strategy for the Office of the High Commissioner.

## V. ACTIVITIES AND PROGRAMMES

### A. Technical cooperation programme

40. The technical cooperation programme has focused on incorporating international human rights standards in national legal systems, developing policies and practices and building national capacities and regional structures for the promotion and protection of all human rights, democracy and the rule of law. A full report on the activities of the technical cooperation programme is contained in the report of the Secretary-General to the Commission on Human Rights at its fifty-third session (E/CN.4/1997/86). Further information on specific projects being implemented under the programme can be found on the Website of the High Commissioner on the Internet (http://www.unhchr.ch).

41. There are currently 21 country projects, 7 regional projects and 9 global projects under implementation. Since the issuance of the High Commissioner's report to the Commission (E/CN.4/1997/98 and Add.1 and Add.1/Corr.1), large technical cooperation activities have been carried out in numerous countries, including Bhutan, Cambodia, El Salvador, Guatemala, Morocco, Nepal, South Africa and Togo.

42. Global projects are being developed to improve the integration of two key areas into the work of the technical cooperation programme: gender and economic, social and cultural rights. The projects involve extensive research and analysis aimed at identifying entry points and developing modalities to integrate a gender perspective and concern for economic, social and cultural rights into all aspects of technical cooperation practices and procedures - from the needs assessment and project formulation phases to monitoring and evaluation. At the time of writing, both projects are near completion.

43. Other current initiatives include the implementation of several activities under the United Nations Decade for Human Rights Education, such as finalizing extensive training manuals for human rights monitors and legal professionals (judges, magistrates, prosecutors and lawyers). An expert meeting is being planned for January 1998 to review a revised draft human rights training manual for prison officers.

44. Technical cooperation activities continued to be implemented in many field presences established by the Office of the High Commissioner, most notably in Bosnia and Herzegovina, Burundi, Cambodia, Gaza and Rwanda. Technical cooperation personnel also provide assistance to carry out comprehensive technical cooperation projects in El Salvador, Guatemala, Haiti, Malawi, Mongolia and Togo.

45. The Board of Trustees for the United Nations Voluntary Fund for Technical Cooperation held its seventh session from 23 to 25 July 1997. The Board endorsed project proposals concerning Bosnia and Herzegovina, Croatia, Ecuador, the Russian Federation, South Africa, Uganda and the United Republic of Tanzania. The Board also endorsed a project proposal aimed at enhancing the capacity of the technical cooperation programme to deal with the human rights aspects of corruption.

46. Despite a few new contributions, inadequate resources available to the Fund continued to limit the capacity of the Office of the High Commissioner to respond positively to the large number of requests for assistance received from Member States. In an effort to remedy the situation, the High Commissioner

undertook consultations at the fifty-second session of the General Assembly aimed at broadening the donor base of voluntary contributions to the work of the Office of the High Commissioner. The High Commissioner had also increasingly developed joint programming and financing with other institutions, in particular with the United Nations Development Programme (UNDP).

## B. Special procedures

47. Special procedures, which include rapporteurs, representatives, experts and working groups of the Commission on Human Rights, are recognized as one of the cornerstones of the international system of promotion and protection of human rights. There are currently 14 thematic working groups or special rapporteurs, and 5 thematic mandates entrusted to the Secretary-General. In addition, there are 11 country specific special rapporteurs, 3 country specific special representatives and 2 independent experts.

48. Visits to countries are an essential tool of the special procedures system in order to gain insight into the objective reality of the situations. The clarity gained in this framework is vital to accurate assessments and reporting, which also serve the best interest of the Governments concerned. On this matter, cooperation from Governments has unfortunately not always been forthcoming. Nevertheless, during the period between the fifty-third session of the Commission and the end of 1997, Special Rapporteurs have visited or plan to visit some 30 countries. Special procedures continued urgent actions concerning the situation of individuals facing serious human rights violations.

49. The fourth meeting of all rapporteurs/representatives/experts and chairpersons of working groups of the special procedures of the Commission and of the advisory services programme was held from 21 to 23 May 1997 at the United Nations Office at Geneva. These annual meetings are organized as a follow-up to the World Conference on Human Rights which underlined "the importance of preserving and strengthening the system of special procedures".[3] The participants discussed ways and means better to coordinate and strengthen the work of the special procedures system with the Commission, the High Commissioner, other human rights mechanisms and parts of the United Nations system. The participants also underlined the role of the Office of the High Commissioner, which is responsible for providing servicing and creating appropriate conditions for their effective work. A number of measures have been taken to strengthen the special procedures system, in particular, through enabling the holders of mandates to cooperate with each other and with other relevant organs and bodies, ensuring appropriate access to and flow of information, and providing service during and between missions. Increased efforts at coordinating activities among various mandates have been made in the last year in the following areas: joint urgent actions; joint field missions; and joint meetings and consultations with respect to human rights situations of a given region or subregion.

## C. Field presences

50. The Office of the High Commissioner has established human rights field presences in 15 countries. Operational aspects of these presences and Office backstopping resources still need to be strengthened. The insecure funding base of such undertakings, which rely largely on voluntary contributions from Governments, constitutes their ongoing weakness which must be addressed.

51. In some recent cases, however, a joint approach to human rights field activities has been established between the Office of the High Commissioner, the Department of Peacekeeping Operations and the Department of Political Affairs. This approach should permit better coordination of action and facilitate the development of joint strategies for the consolidation of peace and the development of civil society. In addition, such arrangements may ease the logistical and administrative difficulties which have been faced by the High Commissioner's field offices.

52. In May 1997 the Office of the High Commissioner and the Department of Peacekeeping Operations signed an agreement to run jointly the Human Rights Monitoring Unit of the United Nations Transitional Administration in Eastern Slavonia, Baranja and Western Sirmium (UNTAES). Under this agreement, the Office of the High Commissioner provides substantive guidance and support in monitoring, reporting and advisory activities to the Unit, while the Department provides financing and logistical requirements. In Angola, in the framework of the United Nations Observer Mission in Angola (MONUA), a new human rights component under the joint auspices of the Office of the High Commissioner and the Department was established along similar lines in July 1997. This activity is based on recommendation by the Secretary-General to the Security Council (S/1997/438) that the peacekeeping operation monitor and report on the human rights situation as well as undertake capacity-building and promotional activities in the field of human rights.

53. In Abkhazia, Georgia, the Office of the High Commissioner has established a human rights field presence in cooperation with the United Nations Observer Mission in Georgia (UNOMIG), which provides financing and logistical support. The human rights office in Sukhumi is conducting its monitoring and technical cooperation activities in close cooperation with the human rights staff of the Organization for Security and Cocperation in Europe (OSCE) mission in Georgia. In Liberia, pursuant to the recommendations of the Chairman of the Commission on Human Rights, human rights electoral monitors from the Office of the High Commissioner were deployed to Liberia to observe the presidential and parliamentary elections of July 1997, and the Office is now working together with the Department of Political Affairs to initiate a human rights office in the country established under joint auspices of both.

54. In the meantime, the Office of the High Commissioner continues to pursue its own human rights field activities in a number of other countries, including Burundi, Cambodia, Colombia, the Democratic Republic of the Congo, Malawi, Mongolia, Gaza, and Rwanda and several countries of the former Yugoslavia. The Human Rights Field Operation in Rwanda, supported entirely by voluntary contributions, remains the largest field presence maintained under the authority of the Office of the High Commissioner. In 1997, the Human Rights Field Operation in Rwanda continued its monitoring and technical cooperation activities on a reduced scale, owing to a severe deterioration in security conditions and the imposition of travel restrictions which followed the tragic murders of staff members of the Operation in February 1997.

55. The tragic developments in the Democratic Republic of the Congo, formerly Zaire, deeply concerned the international community. Commission on Human Rights resolution 1997/58 on this situation decided to request "the Special Rapporteurs on the situation of human rights in Zaire and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out a joint mission to investigate allegations of massacres and other issues affecting human rights which arise from the situation prevailing in eastern Zaire since September 1996".

56. Two separate attempts were made to implement resolution 1997/58, first in May when a joint investigative mission was prevented from entering eastern Zaire and again in June/July when an advance team was unable to secure the entry of the Mission as foreseen in the resolution. A joint communiqué signed by the Government of the Democratic Republic of the Congo and the advanced team on 4 July 1997 outlined areas of agreement and disagreement such as composition and time-frame of the investigation as well as agreed text on the basic principles governing such investigations. The Secretary-General and the Bureau of the Commission were kept informed of those events. In order to overcome the impasse created by the objections of the Democratic Republic of the Congo to the terms of resolution 1997/58, the Secretary-General, in consultations with the Security Council, informed President Kabila in a letter dated 15 July 1997 of his decision to send an investigative team under his authority.

57. The investigative team arrived in Kinshasa on 24 August 1997. However, the Government has consistently raised objections and conditions to the investigation, especially with regard to the scope of the team's mandate, the inclusion of security officers in the Investigative Team's support staff, the association of Organization of African Unity (OAU) observers with the United Nations team, and the replacement of the head of the team by a national of a United Nations Member State that the Government considered neutral. In view of the continuing conditions and obstacles posed by the Government of the Democratic Republic of the Congo to the investigation, the Secretary-General has decided to withdraw the members of the team on consultation, pending clarification of the policy of the Government concerning the investigation.

58. A mission from the Office of the High Commissioner visited Tajikistan from 9 to 18 June 1997 to examine the possibility of a human rights contribution to the peace process in the country. The mission assessed needs and carried out consultations with high ranking representatives of both the Government and the opposition, as well as with representatives of civil society. This mission also discussed areas of possible cooperation with United Nations representatives, OSCE and other organizations, as well as with the diplomatic community. The mission's conclusions indicate that a United Nations human rights presence could make an important contribution to the resolution of problems currently faced in Tajikistan.

## VI. SUPPORT SERVICES

59. The Committee on Economic, Social and Cultural Rights held its sixteenth session from 28 April to 16 May 1997. The Committee considered reports submitted by five States parties and adopted concluding observations. The Committee also adopted general comment No. 7 (1997) on forced evictions. Since the Government of the Dominican Republic had accepted the Committee's offer to send experts on an assistance mission in relation to the implementation of the right to housing, two Committee members visited the country from 19 to 27 September 1997. Their report will be considered by the Committee at its seventeenth session. A programme of action to strengthen the implementation of the International Covenant on Economic, Social, and Cultural Rights, was adopted at the Committee's fifteenth session[4] and the Committee called upon the High Commissioner for Human Rights, States parties and all other interested parties to support it financially so that it would become operational by early 1998. The Committee also requested that the Economic and Social Council authorize an extraordinary session and pre-sessional working group in 1998 in order to cope with a considerable backlog of reports pending consideration (27 reports) and to hold one of its regular sessions in New York by early 1998. The Council is expected to take action on these draft decisions at its resumed substantive session in December.

60. The Human Rights Committee held its fifty-ninth session from 24 March to 11 April 1997. It considered five reports and adopted concluding observations thereon. It further adopted decisions on 14 communications under the Optional Protocol to the International Covenant on Civil and Political Rights, of which eight were final decisions on the merits. Cooperation between the Committee and non-governmental organizations was further strengthened during the session through briefings on periodic reports scheduled for consideration during the session and a meeting between non-governmental organizations and the Committee's pre-sessional working group. The Committee also discussed possibilities of better integrating gender issues into its work and met with representatives of the Division for the Advancement of Women for this purpose.

61. The Committee held its sixtieth session from 14 July to 1 August 1997. It examined three periodic reports and adopted concluding observations thereon. It also considered 36 communications under the Optional Protocol and adopted 23 final decisions, of which 11 were final decisions on the merits. During the session, the Committee formally adopted amendments to its rules of procedures designed to streamline consideration of communications under the Optional Protocol and to soften rules on the confidentiality of the procedure. The Committee finally initiated discussions on a procedure for follow-up to concluding observations on periodic reports, and debated at length the progress report submitted by the Special Rapporteur for the follow-up views adopted under the Optional Protocol.

62. The Committee on the Elimination of Racial Discrimination held its fiftieth session at the United Nations Office at Geneva from 3 to 21 March 1997. It considered reports submitted by 13 States parties to the International Convention on the Elimination of All Forms of Racial Discrimination, as well as the situation in nine States parties that had not submitted their report for five years or more. Under its early warning and urgent procedures, the Committee considered the situation in Bosnia and Herzegovina, Burundi and Rwanda. In a communication to the Subcommission on Prevention of Discrimination and Protection of Minorities, the Committee recommended topics for study by the

Subcommission, such as reservations to treaties, the concept of race, and the rights of non-citizens.

63. The Committee held its fifty-first session from 4 to 22 August 1997 and considered reports submitted by 12 States parties to the Convention as well as the situation in three States parties that had not filed a report for five or more years. Under the Committee's early warning and urgent procedures, the Committee adopted decisions concerning Bosnia and Herzegovina, the Democratic Republic of the Congo, Israel and Papua New Guinea. The Committee also adopted general recommendation XXIII (51) on the rights of indigenous peoples.

64. The Committee on the Rights of the Child held its fifteenth session from 20 May to 6 June 1997, during which it considered reports from six States parties and adopted concluding observations on all of them. In the framework of its ongoing cooperation with United Nations organs, specialized agencies and other competent bodies, the Committee held a meeting with representatives of UNICEF, the Office of the High Commissioner for Refugees, ILO, the World Health Organization and the NGO Group for the Convention on the Rights of the Child. During that meeting, inter alia, the following matters were discussed: follow-up to the World Congress against the Commercial Sexual Exploitation of Children, held at Stockholm in August 1996; the study on the impact of armed conflict on children; and the International Conference on Child Labour to be held at Oslo in October 1997.

65. The Committee against Torture held its eighteenth session from 28 April to 9 May 1997 and considered reports submitted by seven States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Under article 20 of the Convention, the Committee continued its confidential inquiries regarding allegations of the systematic practice of torture. Under article 22 of the Convention, it adopted six decisions on individual communications, five of which were final views on cases of persons who claimed to be in danger of being tortured if extradited to their country of origin.

66. The chairpersons of the six human rights treaty bodies met at Geneva from 15 to 19 September 1997 for their eighth annual meeting. In their report to the General Assembly (to be issued subsequently) the chairpersons recommended that efforts to promote universal ratification of human rights treaties be pursued vigorously in cooperation with the relevant international organizations. Taking note of the regional meetings that were held on this question pursuant to the Vienna Declaration and Programme of Action in Africa and in Asia and the Pacific, the chairpersons proposed the establishment of a human rights treaty ratification fund for the United Nations High Commissioner for Human Rights to assist States in overcoming obstacles to ratification. In view of the broad range of subjects addressed and the need for ongoing follow-up, the chairpersons requested an additional meeting in February 1998, on an exceptional basis, before their scheduled meeting in September.

67. Pursuant to the Vienna Declaration and Programme of Action, a meeting of States in the Asia/Pacific region was organized at Amman from 1 to 4 September 1997 to discuss the substantive provisions of the principal international human rights instruments and individual communications mechanisms under some of the treaties; the obligations of States parties to implement the provisions of the instruments and to report thereon; the role of reservations; and obstacles to adhering to the instruments and strategies to overcome them. Eighteen States from the region, including the host Government of Jordan, attended the meeting. In 1996, a similar meeting for African countries had

taken place at Addis Ababa. The recommendations and conclusions drawn from the two regional meetings will assist the Secretary-General and the High Commissioner in their efforts to obtain universal ratification of human rights treaties.

68. Since 1992 the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has addressed a number of complex questions. It has been able to reach agreement on the principles governing the work of the body envisaged under the protocol, number of its members and qualifications required, and rules governing the nominations, election and replacement of members. It represents real progress and merits appreciation. However, important unresolved issues remain, notably the question of whether or not the consent of a State party should be sought and obtained in advance of each proposed visit, and whether the body to be established should be part of, or separate from, the Committee against Torture.

69. Recommendations by the following advisory bodies for expenditure to be made under the following funds have been approved on behalf of the Secretary-General:

(a) Board of Trustees of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (third session, Geneva, 17-19 March): some $24,000 recommended for grants to enable representatives of six local non-governmental organizations assisting victims of contemporary forms of slavery to attend the sessions of the Working Group of the Subcommission and to contribute to three projects of direct assistance to victims of contemporary forms of slavery;

(b) Advisory Group of the Voluntary Fund for the International Decade of the World's Indigenous People (second session, Geneva, 16-18 April): some $300,000 recommended for a fellowship programme, a workshop for indigenous journalists, grants to projects for indigenous people and a United Nations guide for indigenous people;

(c) Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations (tenth session, Geneva, 21-25 April): some $103,000 recommended to enable 5 representatives of indigenous populations to attend the session of the Working Group of the Commission in October and 22 to attend the session of the Working Group of the Subcommission in July;

(d) Board of Trustees of the Voluntary Fund for Victims of Torture (sixteenth session, Geneva, 20-30 May): $3,000,000 recommended for 105 grants in 54 countries to provide medical, psychological, economic, social, legal or other humanitarian assistance to torture victims and members of their family.

As, upon these recommendations, almost all contributions received have been or should be spent by the end of 1997, new contributions are needed for 1998 and fund-raising has started on the basis of the relevant General Assembly and Commission on Human Rights resolutions.

## VII. 1998 - HUMAN RIGHTS YEAR

70. The Office of the United Nations High Commissioner for Human Rights continues preparations for the fiftieth anniversary of the Universal Declaration of Human Rights and the five-year implementation review of the Vienna Declaration and Programme of Action. These two interlinked landmark events will provide the ideal opportunity for reinvigorating commitments to the promotion and protection of human rights, reflecting on the current state of human rights and outlining a clear course for their future. The General Assembly and the Commission on Human Rights have already appealed to all Governments, the United Nations system, international and regional organizations, as well as non-governmental organizations to launch preparations for "1998" and have requested the High Commissioner to assume responsibility for their coordination within the United Nations. The High Commissioner has addressed directly all partners and has encouraged them to take action at national and local levels, as well as to intensify international cooperation. Information coming from various sources indicates that in many instances the process of preparations has entered the stage of specific planning and concrete action. This is, indeed, the right time for moving ahead at all levels with preparations for "1998".

71. Some initiatives would require steps to be taken well in advance. For example, ratification of human rights treaties, parliamentary reviews of legislation from the point of view of consistency with human rights standards, development of national plans of action for human rights, establishing national human rights institutions and strengthening other human rights capacities to add substantive importance to "1998" should be launched as soon as possible. The technical cooperation programme is available to provide assistance and advisory services in this regard.

72. In its decision 1996/283 of 24 July 1996, the Economic and Social Council endorsed the Commission's recommendation (resolution 1996/83) to consider devoting the coordination segment of its substantive session of 1998 to the coordinated follow-up to, and implementation of, the Vienna Declaration and Programme of Action as part of the 1998 five-year review foreseen in Part II, paragraph 100, of the Vienna Declaration and Programme of Action.[1] The General Assembly, in its resolution 51/118, also endorsed this recommendation.

73. The Office of the High Commissioner has initiated inter-agency consultations concerning preparations for the commemoration of the fiftieth anniversary of the Universal Declaration and the five-year review of the implementation of the Vienna Declaration and Programme of Action. Seven inter-agency meetings have already taken place in 1997, illustrating that "1998" is perceived system-wide as a unique framework for strengthening and consolidating United Nations efforts in the area of human rights and for making the universal enjoyment of these rights one of the guiding ideas of the Organization for the next century. The results of these meetings to date have included the coordinated focus of planned programmes and activities, the calendar of special United Nations events during 1998 and the structure of the required reporting for the five-year review of the implementation of the Vienna Declaration and Programme of Action. In accordance with Part II, paragraph 100, of the Vienna Declaration and Programme of Action, the Office of the High Commissioner has requested Governments and United Nations agencies and programmes to provide reports on the progress made in the implementation of the recommendations adopted by the World Conference, as well as regional and national human rights institutions, and non-governmental organizations to present their views in this regard.

74. In order to assist all those interested in contributing to "1998", the Office of the High Commissioner, in cooperation with the Department of Public Information, has initiated an inter-active information strategy. The chapter pm the fiftieth anniversary of the Universal Declaration of Human Rights on the Website provides both basic information on the plans of the High Commissioner for "1998" and invites all interested partners, Governments, United Nations agencies and programmes, international and regional organizations and non-governmental organizations, to inform the international community on their respective projects for 1998: human rights year.

75. The periodic fiftieth anniversary information kit published by the High Commissioner includes relevant documents, programmes, proposals and a provisional calendar of events for 1998, reflecting information received from various partners. A special information kit for the media is under preparation by the Department of Public Information in cooperation with the Office of the High Commissioner.

76. All efforts for the anniversary year, it is hoped, will effectively strengthen the promotion and protection of all human rights worldwide. As a catalyst for action, the fiftieth anniversary will also provide an opportunity for the wider human rights community to truly develop a global partnership for human rights.

## Notes

[1] A/CONF.157/24 (Part I), chap. III.

[2] For the text of the resolutions and decisions, see Official Records of the Economic and Social Council, 1997, Supplement No. 3 (E/1997/23), chap. II, sects. A and B.

[3] A/CONF.157/24 (Part I), chap. III, Part II, para. 95.

[4] Official Records of the Economic and Social Council, 1997, Supplement No. 2 (E/1997/22), annex VII.